

AMENDED IN SENATE JUNE 28, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 2292

Introduced by Assembly Member Dutra

February 24, 2000

An act to amend ~~Section 3010~~ *Sections 3010, 3050.1, and 3051* of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2292, as amended, Dutra. Vehicles: New Motor Vehicle Board.

Under existing law, 5 members of the New Motor Vehicle Board are required to constitute a quorum except that 3 members of the board *who are not new motor vehicle dealers*, may constitute a quorum for the purposes of specified provisions of existing law.

This bill would ~~make clarifying nonsubstantive changes in those provisions~~ *provide that 3 members of the board, who are not new motor vehicle dealers, constitute a quorum to consider petitions involving disputes between franchisees and franchisors, as specified.*

The bill would delete an obsolete cross-reference and revise other cross-references in related provisions, as specified.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 3010 of the Vehicle Code is amended to read:

3010. Five members of the board shall constitute a quorum for the transaction of business, for the performance of any duty or the exercise of any power or authority of the board, except that three members of the board, who are not new motor vehicle dealers, shall constitute a quorum for the purposes of ~~hearing and deciding any dispute between a franchisee and franchisor or any hearing pursuant to Article 4 (commencing with Section 3060) of this chapter.~~ *Article 4 (commencing with Section 3060) and the consideration of a petition pursuant to subdivision (c) of Section 3050 that involves a dispute between a franchisee and franchisor.*

SEC. 2. Section 3050.1 of the Vehicle Code is amended to read:

3050.1. (a) In any proceeding, hearing, or in the discharge of any duties imposed under this chapter, the board, its secretary, or a hearing officer designated by the board may administer oaths, take depositions, certify to official acts, and issue subpoenas to compel attendance of witnesses and the production of books, records, papers, and other documents in any part of the state.

(b) For purposes of discovery, the board or its secretary may, if deemed appropriate and proper under the circumstances, authorize the parties to engage in ~~such~~ *those* discovery procedures as are provided for in civil actions in Article 3 (commencing with Section 2016) ~~and Article 4 (commencing with Section 2037) of Chapter 3 of Title 3 of Part 4 of the Code of Civil Procedure,~~ excepting the provisions of Section 2030 of that code. Discovery shall be completed no later than 15 days prior to the commencement of the proceeding or hearing before the board. This subdivision shall apply only to those proceedings or hearings involving a petition or protest filed pursuant to subdivision (c) or (d) of Section 3050. The board, its secretary, or a hearing officer designated by the board may issue subpoenas to compel

1 attendance at depositions of persons having knowledge of
2 the acts, omissions or events which are the basis for the
3 proceedings, as well as the production of books, records,
4 papers and other documents.

5 *SEC. 3. Section 3051 of the Vehicle Code is amended*
6 *to read:*

7 3051. This chapter does not apply to any person
8 licensed as a transporter under Article 1 (commencing
9 with Section 11700) or as a salesperson under Article 2
10 (commencing with Section 11800) of Chapter 4 of
11 Division 5, or to any licensee who is not a new motor
12 vehicle dealer, motor vehicle manufacturer,
13 manufacturer branch, new motor vehicle distributor,
14 distributor branch or representative. This chapter does
15 not apply to transactions involving “mobilehomes,” as
16 defined in Section 18008 of the Health and Safety Code,
17 “recreational vehicles,” as defined in Section ~~18010.5~~
18 *18010* of the Health and Safety Code, “commercial
19 coaches,” as defined in Section ~~18012~~ *18001.8* of the Health
20 and Safety Code, or off-highway motor vehicles subject to
21 identification, as defined in Section 38012, except
22 off-highway motorcycles, as defined in Section 436, and
23 all-terrain vehicles, as defined in Section 111. Except as
24 otherwise provided in this chapter, this chapter applies to
25 a new motor vehicle dealer as defined in Section 426, a
26 vehicle manufacturer as defined in Section 672, a
27 manufacturer branch as defined in Section 389, a
28 distributor as defined in Section 296, a distributor branch
29 as defined in Section 297, a representative as defined in
30 Section 512, or an applicant therefor.